THE HONOURABLE SRI JUSTICE K.C. BHANU

W.P. No. 22058 of 2005

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Dated: 07.10.2005

Between:-

M/s Senora Beach Resorts (Pvt.) Limited,

Sagar Nagar, Yendada village, Chinagadili mandal,

Visakhapatnam District, represented by its Management Exsecutive,

Manthana Ravi Varma

…Petitioner

And

The Commissioner of Police, Visakhapatnam,

Visakhapatnam District and another.

…Respondents

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W.P. NO. 22058 of 2005

O R D E R

This writ petition is filed seeking a writ of Mandamus directing the respondents, their subordinates or any other police Authority not to interfere with the lawful activities of

the petitioner-club including playing of rummy and bridge with stakes in the petitioner-club premises by declaring the action of the respondents in interfering with lawful activities of the petitioner-club including playing the rummy and bridge in the premises as arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It has been represented by the learned counsel for the petitioner and also by the learned by Government Pleader for home that the issue involved in this writ petition is squarely covered by a judgment of Division Bench of this Court in Writ Appeal No. 1167 of 2002, dated 29.07.2002 wherein it is held as follows:-

> "Therefore, the police authorities cannot obstruct the writ petitioner-club from conducting card room where the members and guests of the writ petitioner's cultural center are allowed to play the game of rummy with stakes/syndicate (13 card game). At the same time, we make it clear that the police is always at liberty to enter the premises and check as to whether the cultural center of the club is conducting card room where the members and guests of the petitioner's cultural center are playing the game of rummy with stakes/syndicate (13 card game) for the purpose of verification. If they receive any intimation, the police may enter the club and verify the same and proceed further if the members and guests of writ petitioner's cultural center play other than the game of rummy with stakes/syndicate (13 card game). The police authorities are also at liberty to proceed with the cases, which are already registered. The Writ Appeal is disposed of accordingly."

Following the same and for the reasons mentioned therein, the writ petition is disposed of, at the admission stage, in terms of the above decision of the Division Bench. However, it is made clear that the respondents are at liberty to take appropriate action against the members of the petitioner-club if they promote any illegal activity at the premises of the petitioner-club. It is also made clear that in case any search or inspection is conducted in the premises of the petitioner, it should be done in the presence of the mediators, who are having respectable status in the society. No costs.

K.C. BHANU, J

7th October, 2005

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